

**Remarks:**

1. Objections and Rejections.

Claims 1-55 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent No. 4,398,612 to Mikami et al. (“Mikami”). Further, claims 1-55 stand rejected *provisionally* under the judicially-created doctrine of obviousness-type, double patenting in view of the following claims of seven (7) of Applicant’s co-pending patent applications: (1) claims 1-81 of U.S. Patent Application No. 10/601,669; (2) claims 1-40 of U.S. Patent Application No. 10/601,674; (3) claims 1-29 of U.S. Patent Application No. 10/601,670;<sup>1</sup> (4) claims 1-16 of U.S. Patent Application No. 10/743,425; (5) claims 1-20 of U.S. Patent Application No. 10/743,426; (6) claims 1-10 of U.S. Patent Application No. 10/743,440; and (7) claims 1-13 of U.S. Patent Application No. 10/743,435. Applicant respectfully traverses.

2. Anticipation Rejections.

As noted above, claims 1-55 stand rejected as allegedly anticipated by Mikami. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. . . . ‘The identical invention must be shown in as complete detail as is contained in the . . . claim.’” MPEP 2131 (emphasis added; citations omitted). In view of the foregoing amendments and the following remarks, Applicant respectfully traverses.

Three (3) independent claims, claims 1, 29, and 55, are under consideration in the above-captioned patent application. Claim 1 and 55 describe control systems for regulating dispensers. Claim 29 describe methods of controlling such dispensers. With respect to claims 1-55, the Office Action contends that Mikami discloses each of the described elements of each claim. In particular, the Office Action contends that Mikami discloses “a rotation drive for rotating the dispensing paths (3).” Office Action, Page 2, Lines 16-17. Referring to Mikami’s **Fig. 1**, however, Mikami describes “a conically shaped dispersion table 1 is fixed on an electromagnetic vibrator 2 and adapted to perform spiral reciprocating vibratory motion. Alternatively, the dispersion table 1 may be designed to rotate in one direction in which case an electric motor may be used instead of the vibrator 2.” Mikami, Column 4, Lines 1-6 (emphasis

---

<sup>1</sup> Because the PTO now has issued this application as Patent No. US 6,993,884 B2, Applicant no longer deems this rejection as a “provisional” rejection.

added). Thus, Mikami describes two possible movements for its dispersion table 1. First, a “spiral reciprocating vibratory motion” generated by vibrator 2 which is mounted on support plate 10. Second, “rotat[ion] in one direction” generated by a motor (not shown) which used instead of vibrator 2. Thus, dispersion table 1 may be reciprocated or rotated depending upon the device on which it is mounted, but in either case, that device is mounted on support plate 10.

Mikami further states that “[a] plurality of feed troughs 3 are radially arranged around the outer periphery of the dispersion table 1, with their lower portions disposed under and out of contact with the dispersion table 1. . . . An electromagnetic vibrator 7 is provided for each feed trough 3 and has the associated feed trough 3 fixed thereto. . . . A round support plate 10 is positioned over a frame 11 by a plurality of legs 12 erected on and fixed to the frame 11 and has the electromagnetic vibrators 2 and 7 mounted thereon.” Mikami, Column 4, Lines 6-32. Mikami does not describe the rotation of feed troughs 3. Instead, Mikami describes each of troughs 3 fixed to an electromagnetic vibrator 7, and vibrators 2 and 7 separately fixed to support plate 10. Mikami, **Fig. 1**. In addition, Mikami specifically distinguishes between the “spiral reciprocating vibratory motion [of dispersion table 1], by the centrifugal force due to the twist reciprocating vibratory motion of the electromagnetic vibrator 2” and the inclines linear reciprocating vibratory motion” of troughs 3. Mikami, Column 4, Lines 58-65. Further, as noted above, support plate 10 is positioned over frame 11 by a plurality of legs 12. Thus, Applicant maintains that not only does Mikami not disclose the rotation of troughs 3, but, given the structures depicted in **Fig. 1**, rotation of troughs 3 would appear to require the rotation of frame 11.

In the foregoing amendments, independent, method claim 29 is amended to describe the step of “rotating” the dispensing paths, and independent, apparatus claim 55 is amended to describe “a rotation drive” for rotating the dispensing paths. In view of the foregoing amendments and remarks, Applicant maintains that the Office Action fails to demonstrate that Mikami discloses “a rotation drive for rotating the one or more dispensing paths,” as described in independent claims 1, 29, and 55 of the above-referenced patent application. Because each and every element as set forth in these claims is not described, either expressly or inherently, in Mikami, the Office Action fails to demonstrate that Mikami anticipates claims 1, 29, or 55, or claims 2-28 or 30-54, which depend therefrom. Therefore, in view of the foregoing amendments and remarks, Applicant respectfully requests that the Examiner withdraw the anticipation rejections of claims 1-55.

3. Obviousness-Type Double Patenting Rejection.

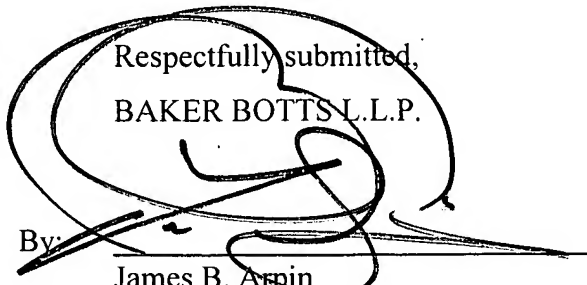
As noted above, claims 1-55 stand rejected *provisionally* under the judicially-created doctrine of obviousness-type double patenting in view of co-pending patent applications, U.S. Patent Application Nos. 10/601,669; 10/601,674; 10/743,425; 10/743,426; 10/743,440; and 10/743,435, and under the judicially-created doctrine of obviousness-type double patenting in view of Patent No. US 6,993,884 B2. Therefore, Applicant is enclosing six (6) Terminal Disclaimers to Obviate a Provisional Double Patenting Rejection Over a Pending "Reference" Application, one (1) Terminal Disclaimer to Obviate a Double Patenting Rejection Over a "Prior" Patent, a Statement Under 37 C.F.R. § 3.73(b), and a check including the amount of \$910.00 covering the terminal disclaimer fees under 37 C.F.R. § 1.20(d) (Code 1814). In the event of any variance between the fees determined by Applicant and those determined by the PTO, please charge or credit such variance to the undersigned's Deposit Account No. 02-0375. In view of the enclosed Terminal Disclaimers, Applicant respectfully requests that the Examiner withdraw the obviousness-type double patenting rejections of claim 1-55 of this application.

**Conclusion:**

Applicant maintains that the above-captioned patent application, as amended, now is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution of this application may be furthered by discussing the application, in person or by telephone, with Applicant's representatives, we would welcome the opportunity to do so.

Dated: April 5, 2006

Baker Botts L.L.P.  
The Warner, Suite 1300  
1299 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2400  
Tel: (202) 639-7700  
Fax: (202) 639-7890  
JBA/djw  
Enclosures

Respectfully submitted,  
BAKER BOTTS L.L.P.  
  
By: \_\_\_\_\_  
James B. Arpin  
Registration No. 33,470